

# IMMIGRATION AND NATURALIZATION SERVICE OVERSIGHT

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## HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

REVIEWING THE STATUS OF OPERATIONS AT THE IMMIGRATION AND  
NATURALIZATION SERVICE

OCTOBER 2, 1996

Serial No. J-104-101

Printed for the use of the Committee on the Judiciary

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# IMMIGRATION AND NATURALIZATION SERVICE OVERSIGHT

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WEDNESDAY, OCTOBER 2, 1996

U.S. SENATE,  
SUBCOMMITTEE ON IMMIGRATION,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:18 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee), presiding.

Also present: Senators Grassley, Kyl, Kennedy, and Feinstein.

## OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. Good morning, ladies and gentlemen. I do apologize. I have been tooling through the forests of Northern Virginia. I saw something out there curious this morning. But the business this morning is to conduct congressional oversight of the operations of the U.S. Immigration and Naturalization Service. The Service has seen its budget increase dramatically in recent years at a time when other government agencies were taking their cuts. That is not a baseball term. Congress has clearly recognized the need for more effective enforcement of our Nation's immigration laws.

The purpose today is to review INS policies and practices, to see if the public's interest in these matters is being well-served by the Service. With us this morning is INS Commissioner Doris Meissner, who certainly is a long time laborer in these vineyards and is someone who I have known and worked with and very much enjoyed since my own earliest involvement in this subject. But we have these serious questions to be asked.

This will be the first of two or perhaps three hearings that will focus on the INS. The next hearing will be on the morning of October 9, in this chamber and will focus on the naturalization policy and procedures in the INS controversial program Citizenship USA. A subsequent hearing later in October may focus on other citizenship issues.

But to return to today's general agenda, it seems that the INS has been the subject of any number of headlines in recent months, many of them critical of the management. These various reports along with other matters have come to the subcommittee's attention give rise to concerns about the agency's current course. Those concerns might be broadly described as candor and reliability, com-



mitment and competence, and politicization. I would like to focus on those three.

First is whether the Service is an organization that deals honestly and candidly with this legislative branch, one that can have their word trusted. I very much regret that things have come to such a point that such questions should arise or even be regarded as an issue. But in fact, that is where we are. It is serious.

Much has been written in the press and the House had a special hearing on the Department of Justice Inspector General's report that INS management intentionally deceived a House Immigration task force visit to Miami Airport and to the Chrome Detention Facility. It is not my intention to rekindle the coals of that issue, but it clearly casts serious doubt on the Service's readiness at very senior management levels to be candid and forthright in discussing its operations with the very persons, ironically, who have been instrumental in greatly increasing its funding: those of us at this table.

Earlier this year, the day before the Judiciary Committee was to take up immigration legislation that would have reduced the numbers of annual legal immigrants the Service released to the media, at this certainly very opportune moment, a fact sheet showing that immigration levels had fallen in fiscal year 1995 and suggesting that the numbers were likely to continue to decline in the future. The plain implication of the Service's fact sheet was there was obviously little need to consider reducing the numbers; the normal course of events would reduce the numbers without the need of any legislative reduction.

The INS spin doctors waited until that precise moment to release the fiscal year 1995 numbers which had been available to them for several months, and then knowingly put a deceptive, and I think, misleading spin on those numbers. They projected a decline when they well knew that, quite to the contrary, those numbers were certain to rise dramatically in the near and foreseeable future, and will surely do so.

So those are not small, insignificant events. They are major actions taken by the Service in dealing with the legislative branch. It is very difficult for me to resist the conclusion that their intent was to deceive the legislative branch and to cause us to conclude in both cases that our contemplated action in dealing with the operation in Florida or in reducing immigration levels was thus not necessary—another serious charge.

Those actions, along with the difficulties that the subcommittee has encountered in recent times in obtaining timely responses to requests for information that cause one to ask whether the Service is a reliable and trustworthy governmental partner.

The second major area of concern focuses on the Service's commitment and competence. Is the Service committed to enforcing the immigration laws of the country and is it competent to do so? We wonder about the Service's commitment when we read in the DOJ Inspector General's report that civil money penalties imposed on employers were routinely settled for about 42 cents on the dollar of the original amounts by INS district counsels. The I.G. concluded that this "systematic reduction has undermined INS employer sanctions enforcement efforts."



We wonder, too, about commitment when the same report and others detail the INS policy of routinely releasing from its custody apprehended criminal aliens, some of whom are violent. We question INS's effort to deport criminal aliens when the inspector general notes that INS does not effectively utilize the institutional hearing program which would enable the Service to deport alien criminal prisoners virtually as soon as their sentences were completed. The I.G. estimated the cost of this failure in California alone totaled \$8 million during fiscal years 1993 and 1994.

We wonder about commitment and competence when we read that the INS has frequently failed to check the criminal records of applicants for naturalization and when we learn that INS has no effective tracking system for aliens who have been ordered deported.

We wonder about commitment when we hear that investigators are taken off their investigations in order to maximize the number of naturalizations that can be pushed through the system in such a hurry that it is referred to as operation jiffy lube by some service officers.

We cannot help wondering about competence when the Congress grants the Service a major new area of responsibility and hefty user fees to implement it as we did in allowing adjustments of status under section 245, but in virtually no time the backlogs have grown to a year or more in major cities. Of course, one pleasing result, at least perhaps from the Service's point of view was that it enabled a report of a reduction in immigration.

So it is only natural to question whether the Service is capable of handling the new responsibilities and the increased funding that have come to it in recent years and will continue to come to it under the recently passed immigration legislation which was quite sweeping.

Finally, many of these same issues support the view, which I am afraid I have come to share, that there has been a serious politicizing of the Service in recent years. We find that the man who has been directing Citizenship USA only became an INS employee in the last few months. Before that he was a Democratic party political operative detailed to INS from the White House. I find that very disturbing and we will look further into that matter when we examine this program more closely next week. Yes, it is disappointing to me and even sad, for I do not believe that you, Commissioner, would be doing this without the pressure from the political hacks at the White House.

Of course, there have been naturalization campaigns in previous years and in election years, but never on such a scale as this. The failures of this program have been so major and so obvious that it seems now to be widely accepted among the press and the public that a principal purpose of the whole effort is to put new Democratic voters in the polling booths in November. Those are not my comments; those are the comments of the national media and others.

So the last minute release of previously unavailable statistics, statistics which came to us in June of the year before but suddenly plopped on our desks the day of debate, hours before the debate, and the spin on those statistics make it difficult to conclude that

service operations have not been politicized. Both the House and Senate Judiciary Committees have experienced the same inexplicable delays and failures by the Service in providing answers to routine questions. Requests for statistics seem to generate the feeling by some in the agency at least that there must be something up, something to cover up here, or that some political spin is needed on every issue.

All of us used to get our information from the local INS officials. Now we cannot. It has to go through Washington in every sense. Seems to be a steady stream of appearances and announcements at the border, particularly in California in these last 3 years, that dwarfs anything I have seen in my 18 years in this issue. This is a political town. It is a political year, of course, but I think there is a sense that the Service has a far more central political role this year than it has ever had before, perhaps because California is the ultimate prize, the great passel of electoral votes. I saw that worked by both parties during the immigration reform legislation. I thought it was absurd, but both of them love it. Big stakes.

But there is a sense of guerilla warfare that is wholly unwarranted and which makes it difficult for this subcommittee and me—and others will be carrying on this work—to work with the Service to carry out its responsibilities. I have nothing but the highest regard for you as a person, but these are disturbing things. These are things we are going to ask today, and it is rather a shame at the end of my tour of duty to come to things which cast a light on the candor and reliability of the Service, its commitment and competence, politicizing.

Serious issues, serious oversight. That is our mission. I am not here to have a seven-camera hearing or do any of that. That is not my bent. But I am very concerned at the totality of all of it when you consider how it is played out in these last months.

With that, and I have taken too long, but I certainly want to defer to Senator Kennedy. Again, we have said our adieus and goodbyes several times, but I shall miss him greatly. He has been a wonderful friend and a wonderful participating legislator. It will be very good to turn the matter over to Senator Grassley who has been at my right hand. Senator Grassley, should he decide in his wisdom, or Senator Kyl—and I have to say a word about Chuck Grassley. He was there at every step of the way for 16 years, every step. Loyal, helpful, supportive.

So it will be good to leave it to you and Senator Feinstein, Senator Kyl, Senator Grassley, to pursue these issues and do it with, I know, great skill. So, Ted.

#### **STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS**

Senator KENNEDY. Thank you. But no one will quite do it like Senator Simpson. I want to thank Senator Simpson even at this time at the outset of a new fiscal year for giving focus and attention on a very, very important area of public policy which he has devoted such an extraordinary period of his time in the Senate on. We are grateful for his continued devotion to duty.

I think those of us who know him and respect him would feel that that would be the case. But I do not think there are probably

many other committees of the Congress on either side that continue to, in a serious manner, do the kind of oversight that under his leadership we are doing this morning. So I want to commend him for having these hearings and for the review of the activities of the INS.

After years of neglect, the Immigration and Naturalization Service has received extraordinary bipartisan attention from the Clinton Administration and from Congress. The INS budget has been increased substantially to enable the agency to respond to the crisis of illegal immigration. In fact, the INS budget now is on a par with the FBI. The INS has more personnel in virtually every area within its mandate, from the Border Patrol to airport inspectors to naturalization officers.

Over the past 3 years, under the leadership of Commissioner Doris Meissner, the INS has compiled a remarkable record of accomplishment. The Border Patrol has been increased by over 50 percent. More illegal aliens are being prevented from entering the country than ever before. Deportations are up 36 percent over the past 2 years, especially for criminal aliens. The backlogs of legal immigration applications that plagued the INS in the past have decreased across the board.

Asylum reforms mean that this humanitarian remedy is far less subject to the kinds of abuses that we have seen in the past. Asylum applications instantly dropped 57 percent as a result of the reforms that have been put in by Doris Meissner. Naturalizations are up as the INS responds to the new demands for citizenship by those who received amnesty in the 1980's.

So I commend Commissioner Meissner today on the many recent achievements of the men and women of the Immigration and Naturalization Service. Frankly, if Congress had acted as responsibly on immigration reforms as the INS has, we would be a lot closer to achieving our goal.

In the end, after many months of controversy in Congress, the so-called immigration reform bill became part of the omnibus appropriations bill passed by Congress on Monday. In the immigration reform provisions, Republicans eliminated an increase in the Department of Labor personnel urgently needed for workplace enforcement to deny jobs to illegal workers and to preserve them for American workers. Our Republican friends said that they would give this essential workplace enforcement function to the INS, instead of the Department of Labor. So the immigration reform provisions authorized an additional 300 INS personnel for each of the next 3 years to conduct this important work.

But it turns out that our Republican friends made that promise in one part of the omnibus bill and broke it in another part of the bill. The appropriations provisions contain no additional funding for any increase in INS personnel for workplace enforcement. Not one additional dollar is included in the INS budget to fund the authorized new positions.

In fact, the INS appropriation for this year also includes no funding for the pilot programs intended to find new and better ways of denying jobs to illegal workers and protecting jobs for American workers.



So when it comes to enforcing the immigration laws in the workplace, one has to wonder whether our Republican friends are really serious. They have no intention of challenging businesses that hire illegal immigrant workers. We need to make that an issue of high priority, and we will, in the next Congress.

I will also be interested today in hearing how INS is coping with the rapid increase in staff. A key question is what needs to be done to assure the most effective enforcement of the immigration laws against employers who hire illegal immigrants. Another important issue is what the agency is doing to prevent visa overstay.

I do not know whether Ms. Meissner is familiar with the Department of Justice report, the inspector general's report where they talk about INS facing significant obstacles to effective enforcement of immigration laws in sweat shops. INS employer sanction units have sufficient resources to investigate only a small percentage of the leads. The Justice Department's I.G. finds that INS has insufficient resources to investigate the sweat shops, yet we do not have an extra dime to do that kind of work and other very important work. I will come back to that issue in the course of our questioning.

We are interested, too, in the agency's role in other important areas: protecting battered immigrants, minimizing the long waits that American citizens experience in bringing close family members here.

I want to commend Doris Meissner on this issue. In two other hearings I have raised this with her, particularly as it relates to our own region up in New England. As recently as yesterday in my calls through as to what is happening with those families they find enormous progress has been made. They still have problems in terms of telephone answering systems, which I will go over with you or send you a note on. But in terms of the really effectiveness in terms of the family reunification, we've seen dramatic improvement. I understand that has been true in other communities.

That makes a big difference to a lot of families. There is an enforcement function by the INS and also a function to try and implement the laws of which family reunification is of such importance, and significant progress has been made in that area.

Finally, we are also concerned by the recent allegations that certain INS officials have been derelict in their duties or have misled Congress and the INS leadership. These allegations are serious and must be investigated thoroughly and fairly. The chairman has referenced them. I have great faith in the commitment of the men and women of the INS. Americans put a great trust in the agency, and we must do all we can to see that the trust is well-deserved.

I welcome Commissioner Meissner. I commend her leadership at this important time in the agency's history, and I look forward to her testimony.

Senator SIMPSON. Thank you very much, Senator Kennedy.

Now, Senator Grassley, did you have any remarks?

Senator GRASSLEY. I am going to forgo an opening statement with hopes that I would get a few extra points and maybe be able to question before 11:45 so I can get to an important meeting of the Agriculture Committee.

Senator SIMPSON. We will do that. I will defer to you and we will do that.

Senator FEINSTEIN, did you have any comments you might want to make?

Senator FEINSTEIN. I would like to, Mr. Chairman, if I might.

Senator SIMPSON. Excuse me, in the order of appearance, and that is what we have done, it should be Senator Kyl, because we are all on a crush today.

Senator FEINSTEIN. Please.

Senator KYL. I will defer to Senator Feinstein, and then I will close with a couple remarks.

Senator SIMPSON. Great. Thank you very much.

#### STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator FEINSTEIN. Thank you very much, Senator Kyl, and thank you, Mr. Chairman.

Commissioner Meissner, I really want to begin by thanking you. I think you have been a strong, forthright and a direct leader in a most difficult agency in a most difficult time. So I wanted to begin by saying thank you for your leadership. I think it is really going to be tested this next year because never before in history has this agency really had this funding that it will have. The expedited desire of many of us to see the deployment and the personnel all increase dramatically within various aspects of the Immigration and Naturalization Service. So I think you are going to have your hands very, very full this coming year.

I think you have made real gains on the Southwest border. I want to say thank you for that. I think it is still spotty. It is changing all the time. Where you put on the pressure, the problem moves somewhere else. I appreciate your cooperation on the fending which Senator Kyl and I worked directly with you on. I certainly will be watching that.

I met in a classified briefing with DEA yesterday, so I have a new kind of view of what is happening with drugs coming across that border. I think, as you know, it is a major, major problem. So I am sure that you will have a cooperative effort with all the Federal agencies to do what we can in that direction.

I want to commend the agency for the crackdown on document fraud. I am aware that you in Santa Anna picked up 22,000 first-rate forgeries of identity documents that were being made to be sold in California and in three other States. I guess I am one that comes from a State that, as we have discussed before, is really deeply troubled by the immigration issue, particularly with respect to illegals.

I happen to believe that the people of my State, California, want to be fair. But they also believe that the law is the law, and that we should follow the law, and the real test of our society is legal immigration. To my knowledge, no country on earth takes as many people legally as does the United States of America. Therefore, if there are large numbers of people here illegally, the State that really, by your own testimony in prior hearings is on a tier of its own, is California. So I will be turning to you, I am sure as the year goes on.

I wanted to touch on a couple of issues, if I might. The first is the use of B visitor visa possible abuses. I think, as you know, the San Jose Mercury News last Friday ran an article about American high tech companies bringing in cheap labor from Mexico using B visitor visas. According to the article, and specifically in this article IBM was the company that was mentioned, where teams of nine people come in, work in an IBM plant for 3 months, work at Mexican wages. Then leave, go back to Mexico and are replaced by another team.

One of the comments of one of the IBM employees in the article, a man I think by the name of Rodriguez, was that they were really here to do work that was needed to be done, but nonetheless they were doing it at Mexican wages.

Now the question that I would have is, if they were Americans they would have been paid \$8 to \$9 an hour minimum. They were paid \$1.40 an hour. The company picked up their hotel, their travel, their cars, whatever it took. But it is my understanding that one who works—

Senator SIMPSON. Senator Feinstein, may I—we are not at the question period. Commissioner Meissner has not yet testified.

Senator FEINSTEIN. I beg your pardon.

Senator SIMPSON. I was just asking for an opening statement. Perhaps I misled you there.

Senator FEINSTEIN. All right. Then let me cease and desist and wait. I thought we were past that. Thank you.

Senator SIMPSON. Fine. Thank you very much.

Next, Senator Kyl, if you have any opening statement.

#### **STATEMENT OF HON. JON KYL, A U.S. SENATOR FROM THE STATE OF ARIZONA**

Senator KYL. Thank you, Mr. Chairman. Just three quick comments. First of all, I think Senator Feinstein has begun a discussion we are going to have to have. That is whether the agency is up to the challenges that not only confront us by virtue of the facts but also the new legislative requirements and authority that will be implemented as a result of the new legislation. I think there is a legitimate question—and this is not pejorative in any way—but is the agency up to these challenges? Certainly congressional support will need to be forthcoming in answer to that as well.

Secondly, the questions regarding candor that Senator Simpson mentioned I think do have to be addressed.

And third, I hope we can do this in a nonpartisan way. I want to respond to a comment Senator Kennedy made because sometimes, depending upon where we stand is where we sit. I have tried to objectively deal with the magnet issues in both respects: Both the magnet of public benefits and the magnet of employment. I find that some of my colleagues are really focused on the magnet of employment. Other colleagues are really focused on the magnet of public benefits. I am not sure if I am the only one that is focused on both, but I think we need to focus on both.

It seems to me that if we are short—I just asked my staff this morning, if we are short on appropriations, that is not right. But I know that this Administration got \$6.5 billion added to the omni-



bus appropriation bill by insisting on it. Republicans had no choice but to agree because of the status that we were in here.

So if there is any blame for not having adequate appropriations I do not think you can just lay it at the doorstep of Congress. It is the responsibility of both the Administration and the Congress to ensure that in laying out these new challenges and responsibilities we have got to fund it as well as authorize it adequately. That is going to be one of the concerns that we will need to address because not only is there the question of the agency being able to handle all of these things, but will the agency have the resources that they need to handle the issues and the challenges.

So I think we have to address all of that in the next year, but we certainly need to do it in a bipartisan, cooperative way, and I am certainly prepared to try to do that.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much. Now, Commissioner Meissner, if you would proceed. It would be very helpful—and I will not be here, but it would be very helpful if you would produce the testimony in accordance with the rulings of this subcommittee, which is 48 hours in advance. We received this last night at 7:30 p.m., and that does not give us an opportunity, either Democrat or Republican, to review the serious testimony, 21 pages. If that can please be remedied, and I think it should be remedied, and I hope that it will be remedied through some enforce proceeding next year so that that does not occur.

Now, if you could please summarize in 10 minutes or thereabouts the testimony. Thank you very much.

#### **STATEMENT OF DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE**

Ms. MEISSNER. Thank you, Mr. Chairman, and members of the subcommittee. I apologize for the tardiness and we will correct it.

I am pleased to have the opportunity this morning to report to you on the challenges that we face and that all of you have in various ways outlined, and on the progress that we have made and are continuing to make at the Immigration and Naturalization Service.

But first, Mr. Chairman, I must take a moment to express my sincerest good wishes to you upon your retirement from the Senate. It has been my privilege to work with you on immigration policy in this committee and in other settings for almost 2 decades now. The Senate is losing a truly great leader and I will miss you personally as a skilled legislator and a valued colleague.

Senator SIMPSON. I share that view, Doris. I certainly do, that is for sure.

Ms. MEISSNER. Mr. Chairman, with the strong backing and with commitment from President Clinton, Attorney General Reno, this committee, and the entire Congress we have come a very long way. We have entered a new era in the Immigration and Naturalization Service. It is an era of progress and of achievements. INS is showing that ours is an agency that with renewed focus and resources can meet the tremendous and complex immigration challenges that we face as a Nation.



Three years ago, this Administration set out to reverse decades of neglect of our immigration laws. The Administration has deployed an aggressive and comprehensive strategy backed by unprecedented increases in law enforcement personnel, equipment and advanced technologies. At the same time, we have taken important steps to improve the Nation's legal immigration system and to protect our immigrant heritage. With your support and a substantial increase in our agency's resources we have been successfully implementing a multiyear effort to reverse the years of neglect suffered by the INS.

At the outset, we reorganized the agency's operations, recruited a strong leadership team, and made every employee in our agency accountable for his or her actions. We put together an organizational structure that could implement aggressive policies effectively during a time of tremendous growth and change.

When we set out, our immediate task was to focus on the most critical problems that we faced at INS in the management of the agency, along the Southwest border, in the removal of criminal aliens, and in our asylum system. We then backed up enhanced border control with enforcement at the work site. Finally, we have responded to a huge increase in the number of applications for immigration benefits, particularly citizenship, by dedicating additional resources to ensure timely and complete processing.

I would like to highlight for the subcommittee several examples of actions and accomplishments in each of these areas which demonstrate the substantial progress made by the agency in the last 3 years.

First of all, record budget growth. During a time of dramatic budget reductions in the Federal Government our budget has doubled in the last 4 years, thanks to support from the Congress. It has grown from \$1.5 billion in fiscal year 1993 to more than \$3 billion in the 1997 appropriations bill passed by the Congress and signed by the President on Monday. These resources have allowed INS to overcome chronic underfunding and take critical steps toward restoring integrity to the immigration system.

Secondly, Border Patrol strength. In the past 3 years, Border Patrol agent strength has increased more than 40 percent nationwide and it has doubled in San Diego, the most heavily trafficked illegal immigration corridor in the country. The new agents have allowed INS to develop and implement a comprehensive border control strategy which, as the San Diego Union Tribune wrote in May, has turned the nightly chaos of thousands of illegal immigrants darting across the porous border into a scene of order. Today, as a result of our progress the U.S.-Mexico border is harder to cross illegally than ever before.

Next, new inspectors. Effective border control must also include a strong enforcement presence at our ports of entry. For too long our port efforts were handicapped by a lack of resources causing lengthy delays for legal crossers and diluting efforts to focus our enforcement. Alien smugglers operated freely, fraudulent documents were used with virtual impunity, and aliens ran through inspection areas across dangerous highways. With a 50 percent increase in the number of inspectors in 1996 alone, these images are

fast becoming memories of the past. We have regained our ability both to enforce the law and to manage the traffic at our borders.

Next, record deportations. For many years, the capacity and credibility of our deportation and removal process were in question. In 1993, we began a systematic effort to increase the removal of criminal and other illegal aliens and to restore credibility to the deportation process without which there cannot be effective immigration enforcement.

The results to date have been impressive. Fiscal year 1995 removals exceeded 1994 levels by 10 percent. Removals in this year, fiscal year 1996 are up in every category. In the first 11 months of this fiscal year INS removed over 60,000 aliens. That is 20 percent more than the 50,000 removed in all of last year. We will finish this year with removals that are 30 percent greater than last year and more than 50 percent above the levels where we began. We will have removed approximately 116,000 criminal aliens from the United States since January 1993; nearly twice the number removed in the previous 4 years.

Effective work site enforcement. Mr. Chairman, next month will mark the 10th year anniversary of the signing of the Immigration Reform and Control Act of 1986, the law which first put employer sanctions into place. However, as we all know, a law in name only cannot be effective. This Administration has placed a renewed emphasis on efforts to remove the job magnet that draws illegal immigrants into the United States.

We received resources this past fiscal year to more than double our investigator corps assigned to work site enforcement, and we have for the past year been testing an employment verification program with hundreds of employers representing more than 200,000 workers. The INS is showing that it means business when it comes to enforcing immigration laws in the workplace.

Next, a fixed asylum system. INS has ended years of abuse of our asylum system. In the past, illegal immigrants by the thousands used the asylum process as a vehicle to circumvent immigration laws. INS streamlined procedures and dramatically tightened the availability of work authorization. These reforms cut the number of new claims by 57 percent in the first year of reform while doubling the numbers of cases processed by our asylum officers. For the first time in a decade the backlog of cases is not growing. We are now cutting into it at the rate of 100,000 cases per year while continuing to stay current with incoming cases.

Next, Citizenship USA. INS has received an overwhelming number of naturalization applications in the past 3 years. As a result, we launched a major naturalization initiative which we call Citizenship USA and which supports law-abiding, eligible permanent resident aliens who wish to become U.S. citizens. The initiative has streamlined citizenship procedures and restored application processing times to the traditional 6 months while at the same time strengthening the naturalization process.

Of the 1.3 million citizenship applications that INS has adjudicated in this fiscal year about 1 million have been found eligible for citizenship. This is an historic achievement for this agency.

New technology. INS interacts with hundreds of millions of persons each year, yet for too long we relied on manual systems to

keep track of vital information. Using resources provided largely by the crime bill, INS has now devoted substantial resources to build a technology infrastructure for the next century. New systems help the agency identify criminal aliens and track them for prosecution and deportation, cut back dramatically on the amount of time that enforcement officers spend on paperwork, and create computer networks that aid INS officers in determining immigration status.

INSpect. The management improvements of the last three years have been significant. It is critical that these efforts continue to thrive and become embedded in the core of the agency. Unfortunately, INS has not had an effective internal inspection capability since that function was stripped away from INS in 1989. As a result, I recently announced an expanded internal watchdog capability. It is called INSpect. With dedicated resources and regular, comprehensive reviews of all critical INS functions on 2- and 3-year cycles INSpect will ensure accountability and continued progress throughout the agency.

Before I close, Mr. Chairman, let me say a few words about the illegal immigration bill passed by Congress and signed by the President on Monday. This bill strongly endorses the Administration's strategies to control the border, to enforce immigration laws in the workplace, and to remove record numbers of criminal and other deportable aliens from the United States. We are pleased that the legislation provides INS with additional enforcement tools to build on our progress.

We wish that it had gone further in strengthening our hand with employers who illegally hire undocumented workers and in protecting legal workers. We hope to work with your colleagues and the next Congress to address these issues.

Mr. Chairman, we cannot declare that the fight against illegal immigration has in any way been won. But we can tell you that we are moving squarely in the right direction and that the strategies that we are using are showing success. With the continued support of Congress we are poised to continue to expand the effective enforcement of the immigration laws and the support for legal immigration processes that this Administration began 3 years ago.

I am pleased now to answer your questions and thank you for your attention.

[The prepared statement of Ms. Meissner follows:]

#### PREPARED STATEMENT OF DORIS MEISSNER

Good morning, Mr. Chairman and Members of the Subcommittee. I am pleased to have the opportunity this morning to report to you on the challenges we face and the progress being made at the Immigration and Naturalization Service (INS).

Mr. Chairman, I want at this time to take a moment to express my sincerest good wishes to you on your retirement from the United States Senate. It was my privilege to work with you on U.S. Immigration policy for almost two decades. The Senate is losing a truly great leader, and I will miss you as a skilled legislator and a colleague.

Mr. Chairman, with the strong backing and commitment from President Clinton, Attorney General Reno, this Committee and the entire Congress, we have come a long way. We have entered a new era at INS: an era of progress and achievement. INS is showing that ours is an agency that, with renewed focus and resources, can meet the tremendous and complex immigration challenges that we face as a nation.

Three years ago, we developed a comprehensive strategy to restore integrity to our immigration system, close the back door to illegal immigration, and protect our nation's important immigrant heritage. With your support and a substantial in-



crease in our agency's resources, we have been successfully implementing a multiyear effort to reverse the years of neglect suffered by INS.

At the outset, we reorganized the agency's operations, recruited a strong leadership team, and made every employee in our agency accountable for his or her actions. In short, we put together an organizational structure that could implement aggressive policies effectively during a time of tremendous growth and change.

When we set out, our immediate task was to focus on the most critical problems we faced at INS: in the management of the agency, along the Southwest border, in the removal of criminal aliens and in our asylum system. We then backed up enhanced border control with enforcement at the worksite. Finally, we responded to a huge increase in the number of applications for immigration benefits, particularly citizenship, by dedicating additional resources to ensure timely processing. I would like to explain in more detail the actions and accomplishments in each of these areas.

#### WORKFORCE

The kind of growth that this Service has experienced is unprecedented in the history of the agency. So, I have made, as the first priority of INS, the strengthening of our workforce both in professionalism and in new technologies. In this growth, INS has striven to achieve the appropriate balance between technology and intense modernization, and new personnel resulting in the most effective hiring, recruitment and training. I believe that INS is absolutely on target in these areas. For example, in the Border Patrol—which is the largest area of hiring—more than 40 percent of our incoming officers this year are college graduates. That is unprecedented for this organization.

What we are experiencing now is the next generation of the Immigration Service. INS is dealing with a critical mass of people—this year alone we will place throughout INS about 4,000 new personnel. This means that we will process almost 10,000 personnel actions this year, both internal movement within the Service as well as recruiting new personnel. In order to effectively train this new generation of personnel, INS established a satellite training academy in Charleston, South Carolina, and I am proud to say we opened it the day we promised we would.

This next generation of personnel is our human resource base for the future. They are the most important asset to the future of the Service. It is very important that INS maintain high training standards. I believe that it is our mandate to carry out our training in a way that enhances the professionalism of our new personnel. We are doing that. But the true test will be insuring that these high standards are fully implemented when these new people start work and graduate from the training academies. We have always done very well as an agency on entry-level, basic training. However, where we have not done so well is in supervising of staff once they are in the Service, and in the ongoing training of our supervisors. We will insure that our supervisors are kept up to date on agency initiatives on management improvements and that they are reinforcing positive habits and not creating negative ones.

For years, the Service had neglected supervisor training. But that has changed since we established an INS Leadership Development Center in Dallas. It is a new training facility, and it is addressing the previous lack of supervisory training. We have trained approximately 800 of our supervisors and managers at the Center this year. All new supervisors will now be on a regular cycle of attending training at the Center so that their supervisory training is kept current. So, we really are building in the assurances that INS human resources will be the positive infusion in the future that we intend it to be.

In combination with our new supervisory training, INS has systematically and carefully put a new management team into place throughout the field structure. We have about 90 senior managers in the Service, both in headquarters and in the field. Of those 90 people, about 60 of them are new appointments. These new managers bring to the job new ideas that I believe help us meet the great challenges before us.

Our future challenge is the management of the very large size of the Service. Accountability has been the real issue with this agency. In the past, INS did not have the tools to deal with that properly; now we do.

#### INSPECT

Based on the needs of management at all levels, we implemented our internal review function that focused solely on filed operations. This capability was stripped away from INS when the Office of Inspector General (IG) was established in the Justice Department in 1989, thus, removing in-house inspections capability of the

Immigration Service. Although the IG's office attempted to continue the review of INS functions, competing Department priorities forced the IG to concentrate more on issues that cut across the Department. Thus, for the last four years we lacked the capability needed to be certain that our staff implement policies and procedures at a field level and adhere to rules and regulations properly.

Our management needs have grown as the agency has experienced extraordinary growth. In August, we created a much needed internal review of field operations. We conducted a thorough process of developing the criteria and guidelines necessary to complete top-to-bottom review of our field operations. We tested the guidelines and review process at five of our field offices. As a result of the lessons learned through development, we are expanding our new capability to watch ourselves more aggressively and to provide effective management.

This internal watchdog is called the INS Program for Excellence and Comprehensive Tracking (INSpect). INSpect provides INS with the capability to review the field offices comprehensively. We plan a two-year review cycle for our largest offices and a review of our other offices every three years. We also plan on completely reviewing all our detention centers during fiscal year 1997.

Over the next few months, the corps of permanent staff within the Office of Internal Audit will be increased to lead all the INSpect reviews. That staff will be amplified by a cadre of up to 500 people from throughout the Service who are our best and our finest, and who will participate as subject-matter experts on the inspection teams. This is a significant step forward for the organization. INSpect provides the capability necessary to respond to issues of accountability and to put into place standards to ensure that we are managing our operations properly both at Headquarters and in the field. We will notify our oversight and appropriations committees when this plan is finalized.

Let me also be clear for the record. I do not tolerate misconduct at INS—in any instance. Public servants must be honest in their dealings with the public, and especially with elected officials entrusted with ensuring the accountability of the government. Throughout my tenure as INS Commissioner, I have maintained an unwavering commitment to upholding and strengthening the integrity of this agency. In a period of unprecedented growth, I have insisted that we never compromise the standards for the hiring, training, and conduct of our employees, and I have not hesitated to take action when these standards have been breached. Many in this country distrust their government; I will not allow that distrust to be fostered on my watch.

Those are the overarching issues—growth, personnel, and the establishment of management controls ensure that this growth brings back the return that it should.

Let me now turn to the other priorities of the Immigration and Naturalization Service.

#### ASYLUM

Our work with the asylum program over the last two years illustrates what INS is trying to do in virtually all of our program areas, that is: put the right number of personnel to work armed with the training and technology necessary to get the job done, and reengineer the work processes for maximum efficiency and effectiveness. We made extraordinary progress in our first year of asylum reform. We completed twice as many cases from 61,000 in 1994 to 126,000 in 1995. In 1996, we expect to match 1995. In response to the productivity, improvements, and decoupling of work authorization from filing an application, the caseload fell by more than half. Since the implementation of asylum Reform in January 1995, the number of asylum claims not related to the *American Baptist Churches v. Thornburgh* settlement declined by 58 percent in calendar year 1995 and an additional 41 percent in calendar year 1996. Consequently, the Service is currently working to reduce and eliminate the backlog. We are now at a point where in addition to staying current with incoming applications we are in a position to take off about 100,000 cases from the backlog each year, an absolutely phenomenal turnaround in the program.

This is also an area where I think you will agree that the success that we have been able to demonstrate has fundamentally put a sense of confidence back into the asylum program.

Now, for INS, implementing the new expedited exclusion authority is our next major challenge. I think the Service can make expedited exclusion work in a way that protects our nation's important tradition of asylum.

## BORDER CONTROL

Another area showing dramatic success is the Southwest border. The strategy deployed by previous administrations distributed resources across the entire border. We've approached the enforcement task differently.

The Administration's border control strategy considers the major corridors of traffic and the high volume crossing points. We believe that in order to get effective control of the border there must be a sustained commitment of resources, concentrated very heavily in certain strategic corridors at the outset, with a multiyear buildup of resources.

We have changed in a fundamental way the historic crossing patterns in the highest migration areas on the Southwest border. The first successful operation was "Hold the Line," in which the Border Patrol developed a highly visible strategy to deter illegal alien traffic into El Paso, Texas. Prior to the initiation of "Hold the Line" in September 1993, El Paso recorded 20 percent of our apprehensions across the Southwest border. "Hold the Line," reduced that number to 10 percent or less. The daily migration measured from Juarez, Mexico to El Paso as measured in apprehensions, dropped by three-fourths. In addition, the crime rate in Downtown El Paso dropped and it appears that many short-term illegal crosses have been deterred from entering the United States.

Operation "Gatekeeper," the second application of the deterrent strategy, began in San Diego, California in October 1994. This operation combines immediate border visibility with an expanded support structure of stadium lighting, fencing, night vision scopes, and sensors. It also places pressure on smugglers at their drop-houses and checkpoints on the major roads leading north to Los Angeles and the interior of California.

Historically, the San Diego border accounted for nearly 45 percent of our Southwest border apprehensions, with the five mile section monitored by the Imperial Beach Border Patrol Station reporting 25 percent of the Southwest total. The Imperial Beach area also characterized everything that was wrong with the border, it was full of crime and violence. Many areas of Imperial Beach belonged to smugglers, illegal aliens, and criminals who preyed on aliens and U.S. residents alike.

Largely because of Operation "Gatekeeper," the San Diego corridor now represents just a third of the apprehensions across the Southwest border, and the most trafficked area of Imperial Beach records only 15 percent of the total. The residents of Imperial Beach publicly praised the Border Patrol for reclaiming their neighborhood. Not only are the numbers of illegal aliens way down, but vehicle thefts and property crimes decreased, too.

"Operation Gatekeeper" pushed the traffic eastward into terrain that would give greater advantage to the Border Patrol. Since February of this year apprehensions in the Chula Vista Station area adjacent to Imperial Beach have been cut in half. We thereby achieve control of over approximately 14 miles of border. We have already placed reinforcements in the East San Diego County area, particularly in the area of Otay Mountain but with the graduation of new Border Patrol Agents we have been able to double the personnel at the El Cajon and Campo stations covering rural East County.

In February 1995, we began to enhance Border Patrol resources in "Operation Safeguard" in Arizona. With the Initiation of "Operation Safeguard" first in Nogales, Arizona and later in Douglas, Arizona, apprehensions increased dramatically as we intercepted the elevated levels of illegal migration resulting in part from the diversion of illegal aliens who previously would have attempted crossing at El Paso or San Diego. The application of additional, visible Border Patrol Agents supported by fences, stadium lighting, and low level television produced significant results in Nogales. The downtown commercial area of Nogales faced some of the most serious problems of crime. Nogales has witnessed an absolute turnaround, where apprehensions are down 43 percent from the last year.

INS is making a difference at the border. We are progressing in a very clear strategic direction. We have done more where border control is concerned in the last two to three years, than I think has been demonstrated over the last two to three decades. Several challenges in addressing other areas along the Southwest Border still remain.

INS must now link these areas that have been successful deterrence models with the more difficult, remote rural terrains. The illegal alien traffic is shifting much more quickly than ever imagined. That means the agency must be far more mobile where personnel is concerned, raising myriad labor management questions, particularly structural questions on agent assignments. INS is well on the way, and in some instances ahead of where we thought we would be at this point. The Service



is determined to make the Southwest border work in the way it ought to work, facilitating legal crossings and preventing illegal crossings.

Finally, I want to mention INS' effect on international issues on the border. We at INS have done a considerable amount of innovative, path breaking work with Mexico. We have regular binational conferences at which the broad issue of smuggling into, through, and from Mexico is discussed as a mutual problem. The Mexican Government has designated formal organizations called Grupo Beta in the San Diego-Tijuana area and the Nogales, Arizona-Nogales, Mexico area that focus on combating and drug smuggling at the border. In addition to Grupo Beta, other Border Patrol sectors have cross-border quick response activities that are closely coordinated with Mexican law enforcement agencies. In order to achieve effective border control beyond the southwest border, we must put into place the same kind of international efforts with many other countries.

#### REMOVALS

Greatly improving this country's capacity to remove aliens who have broken our laws, especially criminal aliens, has been a key priority of this Administration, and this initiative has received strong support from Congress and from the public. The INS has taken several important steps this year to increase removals, and we have built a solid record of accomplishment. Above all, Mr. Chairman, we have been working, in close cooperation with other components of the Department of Justice, to build an effective and durable structure that will support a systematic removal strategy for years to come.

For many years the capacity and the credibility of our deportation and removal process have been in question. Public confidence in the integrity of the immigration system was undermined and many openly questioned the government's commitment to the enforcement of the nation's immigration laws. That picture cannot be wholly changed in the span of a few years, but increasing the removal of criminal and other deportable aliens has been one of the Attorney General's and my top priorities and will remain so for the near future. We have resolutely worked to keep our eye on the long-term needs of the system; we know we are involved in a multiyear effort.

In 1993, we began a systematic, phased effort to secure the necessary resources and rebuild, step-by-step, the necessary enforcement capability. Our goal was twofold: (1) increase the removal of criminal aliens, and (2) restore credibility to the deportation process for noncriminal aliens as well. Our effort regarding criminal aliens have focused primarily on the expanded identification, location, and removal of criminal aliens through initiatives such as the Institutional Hearing Program (IHP) in federal and state penal facilities, systematic county jail removal projects, and the apprehension of criminal absconders through the National Crime Information Center (NCIC) lookout database. Initiatives to remove Noncriminal aliens have focused on failed asylum seekers and aliens who absconded after being ordered deported.

Mr. Chairman, the results to date have been impressive. Removals in fiscal year 1996 are up in every category. In the first eleven months of the fiscal year (October through August), INS removed over 60,700 aliens—surpassing the roughly 50,000 aliens INS removed in all of fiscal year 1995. By fiscal year's end, we will have removed an estimated 66,000 deportable aliens, a 32 percent increase over fiscal year 1995 and a 44 percent increase over fiscal year 1994. Criminal alien removals are up 13 percent over last year's record pace. From January of 1993 through August of this year, INS removed approximately 116,000 criminal aliens from the United States—nearly twice the number removed in the previous four years.

It is important to note that these figures include only those aliens removed from the United States pursuant to a formal order of deportation or exclusion. They do not include the nearly 1.3 million aliens who, after being apprehended by the INS, agree to return voluntarily under safeguards to their home country without formal immigration proceedings. Most of these apprehensions and returns occur at the border, but an estimated 100,000 also take place from the interior. These interior returns, though not part of the formal deportation process, result in the removal of aliens unlawfully in the country and represent a significant accomplishment by the men and women of INS who are involved in enforcement. INS has not previously tracked these returns from the interior systematically, but we are now developing a comprehensive tracking system to provide a complete, timely count of them. We expect that it will give us a far more complete picture of the actual removals that result from INS enforcement efforts and the use of the resources that Congress has provided.

With strong support from the Administration and the Congress, we have also increased substantially the resources devoted to the removal effort. This commitment



has begun to pay off. The number of enforcement officers deployed to the field is climbing steadily, and detention levels have increased significantly. In fiscal year 1995, INS maintained an average of over 6,600 beds nationwide. In fiscal year 1996, the average climbed to 8,100 nationwide, with an actual level of usage exceeding 9,000 beds at the fiscal year's end.

This increased detention space does much more than ensure the removal of a given alien. It also helps restore the overall credibility of the deportation process. In the long run—and this will take many years of sustained effort—it should change the psychology and behavior of persons caught up in the deportation process and bring about a higher level of early compliance once a deportable alien is located. We need to make it clear that delay no longer necessarily works to the advantage of the alien who is here illegally. Consistent, prompt, and visible enforcement of this kind will encourage voluntary departure and voluntary surrender for deportation. Many of the provisions in the just-enacted immigration reform law will also advance this essential deterrent message.

Despite INS' recent successes, Mr. Chairman, much remains to be done, and we have set ourselves an ambitious agenda for the next few years to come. Our goal for fiscal year 1997 is to remove at least 93,000 criminal and other illegal aliens with final orders of deportation. This represents an unprecedented 50 percent increase over our goal for fiscal year 1996.

#### WORKSITE ENFORCEMENT

The Administration is determined to remove the job magnet that draws illegal immigrants to the United States and to free up thousands of jobs and millions of dollars in wages for America's legal workers. With a presidential Executive Order that bars illegal employers from receiving federal contracts, a doubling of the investigator corps assigned to worksite enforcement, and an Employments Verification Pilot being tested with employers nationwide, the Administration is showing that it means business when it come to enforcing immigration law in the workplace.

INS is enforcing the employer sanctions law as we can in an era of competing demands. We have targeted major, repeat violators in industries with a historical reliance on illegal labor. We have worked with the Department of Labor and other agencies to bring strong enforcement pressure against employers who abuse and exploit their workers by subjecting them to substandard working conditions and wages.

The Employment Verification Pilot (EVP) was created by the INS to enable participating employers to quickly verify the employment eligibility of newly hired noncitizens, allowing employers to more easily comply with immigration laws. This pilot is a key part of the Clinton Administration's continuing commitment to crack down on illegal immigration by helping remove the availability of jobs to unauthorized workers. INS has made a major commitment to the pilot verification processes to ensure that jobs go to those authorized to work in the United States. To date, 700 businesses have entered into agreement with the INS to be part of the Employment Verification Pilot (EVP).

The Service, in my opinion, has been an innovative source regarding the issue of worker verification. INS has been a source of leadership in trying to test what projects work and make sense. The Service has been absolutely committed to testing pilots because the whole arena of verification is an extremely serious one for the country. It raises important questions of privacy and antidiscrimination. Because the questions and answers are so important, we will test various methods in order to come up with the proper answer so that the Congress ultimately can legislate in this area.

EVP is a voluntary program that allows participating employers, through an automated process, to query information contained in an INS database. The system is quick, accurate and easy to use for employers, while it safeguards the rights of noncitizens and protects against the potential for discrimination.

The Immigration and Naturalization Service (INS) will soon be phasing in a new Employment Authorization Document (EAD), the I-766. The new EAD will be issued to certain aliens who are authorized to work temporarily in the United States.

The card will be produced using the ICPS (Integrated Card Production System), which has been installed at the service centers in Lincoln, Nebraska, and Laguna Niguel, California. ICPS is a continuous, automated, integrated system that will not require human intervention under normal production conditions, except to load blank card stock and other supplies, and to remove the finished card (inside an addressed mailing envelope) for delivery to the postal service.

In addition to using state-of-the-art technology to make the cards, the Service is employing innovative security features developed in partnership with the Forensic

Document Laboratory (FDL). These include holographic features and micro printing. Employers will receive information on a selected group of security features, designed specifically to assist them in confirming the validity of cards presented to them.

#### CITIZENSHIP USA

We are putting the "N" and "S" back into INS by reinventing the naturalization process. Until 1994, the Immigration Service typically received about 350,000 applications for naturalization annually. In 1994, the number jumped to 500,000; in 1995, applications rose to an unprecedented one million. This year we also received one million new citizenship applications.

All of our indications are that, at least into next year, INS will receive at least another million citizenship application. As applications increase, processing times will grow tremendously unless they are accompanied by commensurate staffing increases. For example, previous processing times in some of our larger districts grew to two to four years. Seventy-five percent of those pending applications were in five districts: Los Angeles, New York, Miami, San Francisco, and Chicago.

This extended processing time failed to meet the standards that INS has been observing for about 15 years. INS' standard for processing naturalization applications has been 6 months—the time frame that the Service has always tried to achieve.

Aggressive, pragmatic action was necessary to address this burgeoning backlog and to readdress the way we conducted citizenship processing. To achieve the goal of eliminating service wide backlogs while we continued to receive applications at these high rates, we launched Citizenship USA (CUSA) and made it one of INS' top priorities for fiscal year 1996.

With the anticipated caseload, we projected that we would need to adjudicate 1.2 million naturalization applications in fiscal year 1996, resulting in approximately one million new Americans. We have already met these projections and have reduced total processing times to six months or less in virtually every district office in the country.

In order to meet these goals, INS has acquired additional staff and facilities. We upgraded the process and protected the quality of our adjudications. The best evidence that we have not sacrificed quality to meet our goals is that our denial rate is running about 17 percent which is consistent with our historical denial rate.

INS has undertaken CUSA with very strong bipartisan support in the Congress, as well as in the states where we have focused our efforts. While CUSA is a nationwide initiative, we focused resources initially on the five key districts with 75 percent of the naturalization caseload. However, there were other smaller districts with growing backlogs as well. We sent additional staff to this second tier of districts including Newark, San Diego, Houston, Dallas, and to 13 to 15 other cities around the country.

The citizenship effort is beginning to demonstrate that we can serve promptly and effectively.

There's a tremendous amount that still needs to be done in modernizing the citizenship process. INS has maintained the standards that have been used for the last 15 to 29 years. INS now looks to increase the consistency of measuring and applying those standards throughout the agency. We're focusing now on the overall standards and procedures for testing English language proficiency and civics knowledge that are crucial requirements for citizenship. To promote the readiness of applicants to meet our requirements, INS has entered into a partnership with the Department of Education, state education agencies, PBS and Intelicom in a television series "Crossroads Cafe," to promote English language proficiency. We will follow this with a series to teach U.S. history and government.

#### CONCLUSION

The INS has met or exceeded the very ambitious goals that we have set for the Service. Have we done all that we want to do? No, of course not. Are we moving in the right direction? Yes, certainly. Are we proving that we're a good investment for the taxpayer and fee payer alike? Yes we are.

At this juncture, we are absolutely on the road "Toward INS 2000," that we have envisioned in our plan. We have demonstrated that resources really do matter, that ideas really do make a difference, and that quality leadership is essential. It's also a story from which I believe the public should feel reassured, should draw some confidence that our immigration laws and our immigration system can work in a way that celebrates immigrants, and the immigration process while at the same time providing workable, balanced solutions to the problems of illegal immigration.

I would be pleased to answer any questions you may have.

Senator SIMPSON. Thank you very much. I do not doubt personally that you are doing your finest efforts in every sense just as you have done in, as you say, the 2 decades you and I have been working. You have presented us with very positive testimony on what you believe the achievements are. But I think you, knowing your sense of excellence, personal excellence and pride, know that also there must be improvement. That there are some things wrong or we would not have such a hearing.

My question is, tell the subcommittee what mechanisms—and you say there is no internal mechanism for apparently self-criticism or something. That is me messing around with the words. Give us examples say of the most significant problems identified in whatever mechanism you have in place this year to correct problems that are the subject of the hearing, which do not come from this chairman, they come from the media and from others, such as Chrome. I want to only ask one question there because we will ask that at the next hearing.

But when people see that that is done and see that a report is issued that there was deception; that that is what, I guess, proven. And in my time in politics, through 31 years now and having enough contact with bureaucrats—and that is not a nasty word—both State and Federal, I have found there are really very darn few rogue bureaucrats who stand ready to intentionally deceive or defraud Congress or a State legislature unless such action is specifically directed by somebody above them, somebody in headquarters. CYA meaning not community youth awareness.

Now they do not like to do that. They are not good at that. So what I think we all find it hard to understand is why no one from headquarters—and I am not talking about you. You and I have talked personally and I believe you. But has anyone been disciplined or dismissed from his or her role in what was called Chromegate—not by me. I know you have asked DOJ to handle the discipline. But have you concluded from your own personal investigation that no one in headquarters authorized or participated in this carefully contrived fraud? No one? What has happened? Anybody get sacked? Anybody get pitched from the top of the building here in Washington or did they just suck them up down and let it go? What happened?

Ms. MEISSNER. Senator, what happened in Miami was as grievous for me as it was for the Congress. There was no reason for it to have happened, but it did happen. We have a thorough inspector general report on the issue. I have acted as aggressively and as strongly in reaction to that report as my authorities allow. I have reassigned the four senior officials who were the most responsible in the inspector general's report for the deception that occurred. I reassigned them to nonsupervisory positions pending the outcome of the—

Senator SIMPSON. Were they from here, Washington?

Ms. MEISSNER. They are from our Eastern region and they are from our Miami district, and they are the people who were cited in the inspector general's report with the strongest criticisms and the strongest recommendations for action. I followed the inspector general's guidance in that regard. Those people have all been reassigned pending the outcome of the discipline.



I asked the Justice Department to take on the discipline process so that there would be absolutely no question whatsoever of bias, so that there would be a thorough and independent review that would both respect the rights of the employees involved in the situation as well as the seriousness of the allegations that were made. That discipline process is underway. When it is complete, which we expect that it will be in due course, but it has moved along a pace, we will advise the Congress of what the outcome is. As I said, I have done as strong an action as I can in anticipation and while that discipline goes forward.

But in addition to that, I have sent in outside personnel to all of those positions that were involved, people outside of the district and outside of the situation to bring a fresh perspective, and I have sent in a very intensive management review team which has been making regular reports. It has now made three reports to me on a monthly basis. We have forwarded all of those reports to the members of the committee and other members of the Congress who are interested. The variety of issues that were addressed in the inspector general's report are being corrected. Most of them have already been corrected.

As I say, ultimately I do not understand why it happened. The task force that went down there, went down there for the purpose of learning about the issues in the Immigration Service. I welcomed the willingness of that task force to look at offices other than the Southwest border. Typically, people are interested only in the Southwest border. I instructed our people, and it is clear on the record, that our operations were to be transparent. That we were to discuss our problems with the members of Congress. That we were to offer constructive solutions because we have constructive solutions. And those instructions were simply not complied with.

Senator SIMPSON. To you it was a serious and distressing situation of the first order, as you have related to me, and you feel that still and you are anxious to get that blot out of the INS record.

Ms. MEISSNER. Absolutely. I have not confronted any more troubling situation in my tenure in this position. We continue to be aggressive in solving the problem and as I say, we have shared with the Congress every step along the way.

Senator SIMPSON. I think that that is so important to recognize, that it was appalling and it does reflect then upon the INS. There is no question about it, it must be uprooted and somebody must be punished for it. At least that is the way I think we see it.

Senator Kennedy, these are short rounds but we will go a couple so everybody can get in.

Senator KENNEDY. Thank you, Mr. Chairman.

It may be worthwhile, Ms. Meissner, that every 4 or 5 months or so if you brief the members of the committees that are the most involved just to continue to demonstrate the followup, the oversight, and the progress that either is being made or not being made, because I think as the chairman pointed out it was an enormously distressing situation. From your response, you have certainly followed the recommendations and are now awaiting the outcomes of the Justice Department. So I think to continue to keep people informed about it might be useful and helpful in terms of all sides.

I thank my friend from Arizona for pointing out the willingness to make sure that we are going to deal with the job magnet as well as deal with the other issues. That has been a particular area that we have been involved in. The bill itself that passed the Senate had important provisions in there dealing with that issue.

I noted in the inspector general's report it said that the Justice Department I.G. says you need an interagency attack on sweat shops, not INS alone as was proposed in the immigration bill. So can you describe what it would be like for INS to take on workplace enforcement alone? Is it not a bit like fighting the problem with one hand behind your back? Do you not need all of the resources of the different agencies, the FBI, DOL, INS, IRS, all of them working together to be effective on the job magnet? We understand that half of those that gain jobs every year in the United States come over the border and half were extended stays.

But as the report points out in here, abusive employers are those employers who not only employ unauthorized aliens but also subject them to substandard working conditions, hours and wages and the rest. Your reaction?

Ms. MEISSNER. Absolutely, we concur that one needs to have a comprehensive interagency approach where employers are concerned, and particularly where abusive employers are concerned. We have been particularly concerned about abusive employers because we find that employers that are prepared to violate the immigration laws are often prepared to violate many other labor laws as well. So we want to be able to deal with those workplaces and put maximum pressure on those employers so that they change their behavior.

Now that is, we know, recognized in the immigration bill. However, the Administration has proposed this kind of a strategy from the very outset. The first budget that we sent forward gave us no help whatsoever where workplace enforcement was concerned. We did begin to step up our efforts simply through fine-tuning our own strategies but we did not get any resource help.

The next budget that we sent forward, which is the one that we are implementing this past year in 1996, did indeed give the Immigration Service some resource help for employer enforcement and we have put that to very good use. It is what accounts for our increases in employer visits and fines, et cetera. However, the Labor Department did not get any help. We asked for a consolidated program and for resources both for the Labor Department and for the Justice Department in order to do what you are suggesting.

Now in this budget, even though the legislation has passed and the authorization levels are there, the one area in our 1997 budget that was cut in any significant degree was the workplace enforcement resources. We got no additional resources although we asked for substantial additional resources to continue to step up our employer enforcement. Again the Labor Department was entirely cut out of any additional workplace enforcement resources, and they have been losing resources where employer visits are concerned.

So this is an area that seriously needs attention in order for us to really carry out the intent of the immigration law and the new legislation that has been passed.

Senator KENNEDY. I believe so too, and want to work with you in the next Congress because I think the job magnet is there. The Jordan Commission said that the key draw for illegals is not the benefit programs but the jobs. The Hesberg Commission, the domestic councils under President Ford and President Bush reached similar conclusions. We have to, if we are going to be serious, not only deal with the other questions at the border but also in the workplace.

It just appears to me that the final bottom result, even though I thought we had made good progress in the bill that passed the Senate, is that effectively both in terms of trying to do something about enforcement as well as penalties and otherwise, Congress basically abdicated important responsibility. We will have a chance to come back to that.

Let me just mention two other—I will file questions about the pilot programs and the way these pilot programs are structured, and the limitation, the concern that we go down the line in terms of these pilot programs and we will be no further off than where we are, and I would like to ask some questions about that.

The backlogs, I just mentioned in our part of the country, have made important progress. You still have to flag that telephone message which has been ongoing for years about the duty officer is available to answer questions and then the nonfollow up. I mean, I really hope that you would get a look at that. I think it may be current in other parts. We have to be able to do from an administrative viewpoint a better kind of way of dealing with people.

The final issue I wanted to mention is what is happening on the discrimination case in the Immigration Service in southern California. We had seen how the State Department had to deal with the problems of discrimination against women, and they moved ahead aggressively and tried to deal with it. The FBI has faced this issue with regards to minority employment.

This issue in southern California has been there since 1993. I wrote you in 1994. It still has not been resolved. We are moving into a process where you are hiring a lot more people in all of these areas as a result of this bill and it just, the fact that we have not been able to get that result—I am not up to speed in terms of the details, but I just know that it has not been resolved. Other agencies have moved ahead in terms of the various challenges that they have faced with regards to discrimination whether it has been on women or other kinds of minorities.

I just would hope that in a timely way that this could be resolved on the basis of its merits, whatever they might be. But it has been hanging out there for a long period of time and I think in fairness both in terms of the agency, particularly with all the new hires we do not want that cloud to continue to be over there. I would hope maybe you would let me know, if not today, at an early time about what you see, how that is going to be resolved.

I thank you very much, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Kennedy.

Senator GRASSLEY? We do go in the order of appearance, and I thank the members for that understanding. Senator Grassley.

Senator GRASSLEY. First I have a couple questions in regard to INS presence in my State of Iowa which I have been trying to get



established for over a year. You finally agreed to create an office in Cedar Rapids a few months ago. Unfortunately, we are still waiting for that office to open up.

First, I received a letter from you recently explaining that mistakes have been made in notifying the Appropriations Subcommittees to open this office. This letter also retracted an earlier letter that indicated it would take six months more before an office could be opened. Has a notification been given to the subcommittee and have you received a response to that?

Ms. MEISSNER. The notification is with the subcommittee. It is with the House subcommittee. It is in the 15-day notice period. We are right in the middle of that 15-day notice period. We have not heard a response yet.

Senator GRASSLEY. You have not received a response yet. Secondly, I strongly support the opening, of course, of this permanent office in Cedar Rapids, but I also equally support establishing one in Des Moines where the INS would have rent-free, utility-free space at the airport. Now this has been a bipartisan issue in my State. The Democratic mayor of Des Moines and Senator Harkin have joined me in criticizing your agency for not acting.

Now that the immigration bill has passed every State will have at least 10 INS agents. I took the lead in steering this provision through the conference committee. At least at the staff level I understand that you are reconsidering the Des Moines office. This has been considered for over a year and we are still waiting for an answer. We are going to have, with this legislation now, 10 additional agents. We are going to have more than enough agents to open two offices.

So I would ask for a commitment from you, now that we will have more agents in Iowa, to agree to a permanently staffed office in Des Moines. There is really no legitimate reason not to do this. Could you support that?

Ms. MEISSNER. Senator, let me tell you that I would be more than pleased to be able to give you that commitment, and I would be more than pleased to have been able to give Iowa agents sooner than this.

The exact same corps of staff that we have just been talking about with Senator Kennedy, those are the investigators that we need to spread around the country and that have been in such short supply. I think it was a very good idea for the legislation to include a minimum of 10 INS staff in every State, and I am aware that your State as well as about two or three others are the only States where we have not had a presence. We have been covering them out of nearby offices, in the case of Iowa, Omaha, as you know.

We have made an effort, and I think a successful effort to step up our enforcement in Iowa, and we will be putting staff in there, but we only can do it to the extent that we have appropriations for it. So we are looking now at this legislation, looking at our appropriations in order to determine how those allocations will be made, and as soon as we can put people in Des Moines we will.

Senator GRASSLEY. Mr. Chairman, I think at this point I would like to ask you to give some consideration to the fact that considering the fact that INS has over \$1 billion more increase in appro-



priations, the fact that we have been trying to get answers to these questions for well over—maybe not a year, but all these months—this problem that I have demonstrated here might be a microcosm of problems that are all too apparent with the management of INS. I think you touched on a lot of these during your opening statement.

If it takes the INS over a year to answer a comparatively small question regarding a couple of offices, one which is going to be rent-free, utility-free space given to them, then obviously we have real management problems with the INS, and I would suggest that the INS solve relatively easy questions and get the two offices open. There are more difficult problems that the INS could be dealing with them. We have been more than reasonable and patient about this. I would ask that maybe you would help us get some closure on this.

Senator SIMPSON. I can assure you, Senator Grassley, in my time remaining I will assist in any way possible to do that. I think we can and you heard the commissioner speak of her intent to cooperate, and under the new bill we will have at least 10 agents in each State.

Ms. MEISSNER. That is an authorization level. There has not been an appropriation for that.

Senator SIMPSON. Authorization level, that is true.

Senator GRASSLEY. I wrote to the INS in July of 1995 about a problem that the media raised concerning illegals possibly receiving government funds at post office boxes in the United States. It took a year to get a response and even then I was told I needed to ask another Department.

A month ago I wrote to the INS about an incident in Iowa where local police had to release a truckload of illegals because INS would not or could not pick them up. The local chief was told that INS had to have at least 10 illegals involved before they would come and get them. Obviously, they would not respond unless they had that many. Like other questions I have raised, I still have not gotten a response from INS headquarters on that.

Could you explain the policy on whether or not you have to have at least 20 arrested by local law enforcement people before INS will come and get them?

Ms. MEISSNER. That is not the policy of the agency and I do not know why it was stated in that way to your local law enforcement officials. We follow up wherever we can, particularly with smuggled aliens.

We have been working with local law enforcement in Iowa as well as in other States. We have developed a law enforcement support database which we are testing in several States so that we have a mechanism, we hope at some point nationally that local law enforcement can query in order to determine whether they really are dealing with illegal aliens so that we can determine the best use of our resources in picking people up. We have worked quite aggressively in Iowa in a variety of areas of the State where there have been abusive employment practices, as you know.

We would be very, very pleased to be able to be doing more in States like Iowa. We are doing whatever we can within the parameters of the growth and the resources that we have available to us

now. We know we are growing. We know we have more resources. But I must tell you, the demand exceeds what we have been given in the area of investigators, and investigators is what you are talking about in the staffing that we are trying to put into place in Iowa. We are moving as quickly as we can given the staffing that we have and as soon as we have more, Iowa is on the list.

Senator GRASSLEY. I think this underscores the need for those offices in my State.

I yield the floor.

Senator SIMPSON. I thank the Senator. And I would just say that I respectfully I think would have to disagree with the language of the new law which says, "the Attorney General shall allocate to each State not fewer than 10 fulltime, active duty agents of the Immigration and Naturalization Service to carry out the functions of the Service in order to ensure the effective enforcement of this act." I do not see that as an authorization. I see that as a directive.

Ms. MEISSNER. You are correct. What I am saying is that we were not given any additions in investigators, so we are going to have to do some reallocating from other parts of the country and that will create other members to be very unhappy because we will have to take away from some places in order to meet that requirement.

Senator SIMPSON. One of the perils of our work.

Ms. MEISSNER. That is right.

Senator SIMPSON. And yours.

Senator KYL? And I am going in the order of appearance which has always been the subcommittee's—nothing to do with my colleague from California. So, Senator KYL, please.

Senator KYL. Thank you, Mr. Chairman. Maybe I can begin with a question that is important to both Senator Feinstein and me. That is, since the fence in San Diego has been rather prominent you might know the specifics of this. If not, perhaps you could provide the information for the record.

There are two specific sections, as I understand it, that are ready for construction; one to start this month, the other to start in January. My question is, do you anticipate that those first two segments will start, the construction will start on time?

Ms. MEISSNER. I am assured that the schedules are on time, yes, and the one that is intended to begin this month is beginning this month.

Senator KYL. Great. Of the remaining, I think it is \$3.4 million, do you know what the construction plan status is for that yet? Have the plans been developed?

Ms. MEISSNER. The plans are still in the developmental process, but as soon as we have something we will share it with you, as we have tried to do in the past.

Senator KYL. I would appreciate it if both Senator Feinstein and I could be provided, and Representative Hunter from California can be provided that as soon as you have it.

Ms. MEISSNER. Absolutely. This has been a subject of active conversation, as we all know.

Senator KYL. Secondly—and I do not expect you to know the status of this—but the question of a permanent checkpoint on I-19 between Tucson, AZ, and Nogales, AZ. Recently, there was a hearing

about whether that should be permanent or temporary. I would like to ask you—if you do not know right now, I would like you to get as soon as you can your understanding of what the agency's views are about whether that should be permanent or temporary.

Ms. MEISSNER. I will tell you here that we very much would hope to have a permanent checkpoint on that highway. We believe that it is a necessary companion piece to the work that we are doing in Nogales in particular, but also along the full Arizona border. Particularly in States like Arizona where we have some very remote areas that will simply never be able to be staffed as intensively as one staffs the Nogales area or the 14 miles south of San Diego that have been the heavily-crossed areas. We need some checkpoint activity on major arteries to be able to make the most use of our border enforcement and get the proper multiplier effect.

However, we also obviously are not going to go ahead with the checkpoint until we have community buy-in. The meeting that we held in Arizona several weeks ago will be followed up by another meeting that—I am not sure whether the exact date is scheduled but it is imminent—in order to try to explain and take into consideration community concerns.

We have already re-thought the exact location, proposed location of the checkpoint in response to community feedback that we have received. So that process will continue until the members in particular, we are working right now with the congressmen for that part of your State, in order to try to get the best understanding and everybody's agreement.

Senator KYL. He and I have a little different view though. You have got two Senators and one Representative, and the agency has some strong views as do people in the community. I think the process, it is much like the fences. You do not always have a consensus about what kind of a fence to put in the area, and that is certainly true of the checkpoints. I think the holding of hearings and learning from people in the community is an important part of what you are planning. It is also important, however, for you to explain to them the problems that the agency has and why you have a feeling that you want to do it one way or the other.

Please keep our offices fully informed of that. And please understand that it is not just one Representative. I tend to favor the agency's position here. I would like to try to work with you, but that needs to be reciprocal.

Ms. MEISSNER. I appreciate knowing that and that is very helpful because we do view this as a two-way street and we view this really as our opportunity to educate people on why it is a good idea.

Senator KYL. That is very, very true. Third, very quickly. I have sent you a considerable amount of correspondence requesting information about the number of agents, the permanent, the temporary, and the mix along the Arizona border, particularly in the most recent correspondence relating to Douglas and Naco. I have not gotten adequate responses that are timely with respect to that correspondence. I do not want to air that here, but would you please, since I have noted this, go back and review the correspondence, determine what updates need to be provided, and get the information as accurately as possible.



It is embarrassing to me to have outstanding letters. People ask me. I say I really have not heard back yet, and then the information appears in the paper. So that would be very helpful to me. It also relates to the problem of the so-called border bandits, which is not the agency's concern but there is a direct correlation there between the law enforcement issues and the illegal immigration that is occurring.

Finally, Mr. Chairman, I know that my time is out, but I would like to just ask you if you would comment on the hearing that Representative Horn held in California regarding the alleged manipulation of numbers on apprehensions?

Ms. MEISSNER. First, let me say that I will ensure that the letters are properly answered. We are putting significant resources into those areas so I do want you to be able to share that and reply to your constituents.

There have been allegations made in California about statistics in the Gatekeeper operation. Those allegations are under intensive investigation jointly by the Immigration Service office of internal audit and the Inspector General at the Justice Department. The Inspector General in the Justice Department is in the lead in that investigation. We want to get to the bottom of it. There is absolutely no excuse for manipulation of numbers, if in fact it has occurred. On the other hand, I must say that I have no reason to believe that there has been a manipulation of numbers. But I want to know what the answer is.

We have nothing to hide. We have an operation out there that has been the toughest problem in the border enforcement arena to take on. We have done it aggressively. We have done it telling people that it is a multiyear challenge. We have tried very hard not to overpromise. On the other hand, we recognize that it is a work in progress and that we have an enormous amount to gain, and tremendous results that we have been able to see for the first time in the history of the Immigration Service in taking on that corridor of illegal immigration.

So this investigation will proceed. It is being done thoroughly. As soon as it is complete, we will know the results and the Congress will know the results, and what I am looking for is the truth.

Senator KYL. Thank you, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Kyl. Let me say while Senator Feinstein and Senator Kyl are both here, these two people have stood in the line of fire. And I want to just say that they are an example of courage in the issue of immigration. You need plenty of it because you get called everything. So I commend them both on their independence of judgment and their integrity. I can tell you that there would not be any kind of illegal immigration bill without Senator Feinstein and Senator Kyl and their spirit of bipartisanship. They were very loyal and steady allies of mine, and I commend them both. It has been a joy to work with them both.

Senator KYL. Thank you, Mr. Chairman.

Senator SIMPSON. Senator Feinstein?

Senator FEINSTEIN. Thank you, Mr. Chairman. I thank you for those comments. As you know, I very much enjoyed working with you as well.

Commissioner Meissner, let me take up where I left off. B visas versus H visas, the incident with IBM and exactly what the rules are with respect to both of those visas.

Ms. MEISSNER. I must say I am extraordinarily distressed to hear what you said and I apologize for not having seen that article in the San Jose Mercury. I will get a hold of it this afternoon. The B-2 Program, if they were B-2 visas there should have been no work involved whatsoever.

I believe that these were B-1 visas which do allow for a training experience of some kind. But they certainly ought not to be used in the way that you are describing it. This is information that ultimately needs to be taken up by the State Department in their issuance of visas. We will get with them on this and we will be sure to follow it up. It is not right.

Senator FEINSTEIN. I really would appreciate it because it has now received wide currency in the Silicon Valley area, and I think it is important that companies not get started misusing visas to be able to pay cheap labor in the United States and therefore deny legitimate workers in our country those jobs.

Ms. MEISSNER. Absolutely.

Senator FEINSTEIN. I think this one case—I do not know what the answer is, but I think this one case joins the issue very quickly. So it does need careful investigation.

Ms. MEISSNER. Absolutely.

Senator FEINSTEIN. Now one of your not favorite subjects, the Anaheim Jail Pilot project which, as you know, in this bill has been authorized for another 6-month period. As you well also know, you began the Anaheim Jail Identification project and then pulled out and went to another jail. I think we need to clear the air, because all of the Representatives from the area have been solidly for the Anaheim Jail project.

I wrote to you on the subject. You very kindly wrote back with figures, which to me document that such a project is worthwhile. Nonetheless, you have moved it to a bigger jail. I think you ought to put on the record the Department's response and what you are going to do to carry out the intent of this legislation.

Ms. MEISSNER. I would be happy to enter into the record the information that we have at this point. We have done a very careful pilot at the Anaheim Jail and we are very interested in working jail projects. We began at the Los Angeles County Jail, have had a very, very successful program going at the Los Angeles County Jail.

I should just back up and say that where criminal alien removal is concerned, criminal alien removal is our first priority where removal is concerned, for all the obvious reasons. We have worked very hard to increase the number of criminals that we remove, and we have worked very hard to increase the efficiency of the processes through which we remove criminal aliens.

That has been manifested in working first at the State level with the large States in their State prison systems in order to staff them with INS officers so that hearings can be held while people are serving their sentences. They then can be deported immediately upon release.

We are moving from that State involvement now to the large county jails around the country. We began with the Los Angeles County Jail about a year ago. It is a successful program. It is now a continuing program. It is being institutionalized. There are serious criminals that are involved in that activity. We are beginning to do county jails in some other parts of the country as well, Texas, Florida.

Orange County, which is the parent county for Anaheim is where we are presently working the next county jail project in California. We are also moving forward in San Diego. We have preferred or are finding our work and our productivity, where actual criminals who are deportable, to be better at the Orange County Jail than at the Anaheim Jail, because the Anaheim Jail not only feeds into the Orange County Jail, something like 20 or 21 other municipal jails feed into that Orange County.

So when you have to make choices, which we have to make in terms of the resources that are available to us, the Orange County facility gives us a much higher rate of return of people who are deportable and of seriousness of the violations.

The legislation, as you say, does ask us to go back into the Anaheim Jail. We will go back into the Anaheim Jail. We will look further at whether there are procedural adaptations that can be made; whether there is better productivity that we can get out of the Anaheim Jail System. Obviously, the local officials want us there. We would love to be there. In the best of all worlds, we would be in many, many of these facilities.

We have simply made the choices that we have made based on cost return, on the seriousness of the crimes, on the levels of productivity that we are getting from our people. And that is why we chose the Orange County over the Anaheim. But now that the legislation has said what it is we, of course, will comply.

Senator FEINSTEIN. Thank you very much. My time is up, but I have—

Senator SIMPSON. You can take a little more time, if you wish.

Senator FEINSTEIN. May I take a little more?

Senator SIMPSON. Just a couple more minutes since you have been very patient. Please.

Senator FEINSTEIN. Thank you. Senator Simon has asked that I ask a question and I would like to do it now. He says, I had expressed to me by my Chicago staff concerns about the exclusive priority placed on naturalization applications by the INS Chicago District Office. They have told me that that office is processing only naturalization applications to the exclusion of any other immigration casework. While I am and always have been a strong proponent of naturalization, I also believe we should keep at least a minimal flow of other casework alive, even if naturalization assumes a priority as I believe it should.

What is your position on the current practice of the Chicago office?

Ms. MEISSNER. First, I would want to know whether that is an accurate report. I would be surprised if that is the case because all of our applications are, as you know, fee-based. We are committed to giving service and to handling the whole range of applications



that are filed with us. So I will get back to Senator Simon and to you on whether in fact that is accurate.

But in terms of the broad point that he raises, absolutely we should be processing all applications. It is our goal, as it has been in the citizenship program, to be timely with all of the casework that we handle. We have been bringing the waiting times down across the board in all categories of applications. So I will see whether there is a particular problem in Chicago.

Senator FEINSTEIN. You will let Senator Simon know?

Ms. MEISSNER. Absolutely.

Senator FEINSTEIN. Now may I ask a question of my own?

Senator SIMPSON. If you can sneak one in.

Senator FEINSTEIN. Thank you. On the verification program, I think every member is very interested in those pilot verification projects. Senator Kennedy alluded to them as his last question. I would like to ask that you explain what progress you have made on the pilot programs, and specifically addressing what anti-discrimination measures have been built into these pilots. Really how will the bill that was just passed affect these pilot projects?

Ms. MEISSNER. We have felt very strongly about employer verification as a critical element in an effective workplace enforcement program. As a result of feeling very strongly that you have to give employers who want to comply with the law a way to comply with the law, and as a way of combating the fraudulent document problem which we know has been such a thorn in the side of effective enforcement of the employer sanctions law, for those reasons we have moved ahead very aggressively this past year testing employer verification through automated information sharing between the INS and employers who are prepared to sign up.

As you probably know, we began in Santa Anna with a large group of employers in Santa Anna. We have expanded that throughout this past year so that at the present time we have more than 600 employers with signed MOU's that are working with us on employer verification. They include some very large companies in the meatpacking industry. They include people in the poultry industry. They include a good selection of employers in tourism in San Diego and in Florida. So we are broadening and adding more variety in being involved in various different parts of the country where verification is a concern.

The system is working. The system that we are testing is working very well. What we are able to show is that the automated databases that the INS now has, the improvements and investments that we have been able to make in our automation is giving a very timely and accurate response to employers. We are able to respond within 30 seconds to a minute to the first query. Employers absolutely love the program.

We are very concerned about the antidiscrimination aspects of it and very concerned about the privacy elements of the program. We have done what we can with existing authorities to build in the proper protections. There are very limited access on the part of employers from a discrimination and privacy standpoint. They give us only one or two data elements and those are the data elements that workers already for years have been filling into their I-9 forms. So there is no new information that is being elicited from workers in



order for employers to use the verification system. We monitor the records constantly to determine whether there is any unusual usage on the part of an employer through the backup records, et cetera.

Now we welcome the legislation from the standpoint of endorsing the idea of automated verification. We welcome it from the standpoint of testing because we believe that nobody has a clear answer without testing as to this very major issue that we all face. We do think that the legislation could have or should have included more in the way of protections in statute where discrimination and where privacy concerns are involved. As I said in my opening statement, we would hope to be able to work with the next Congress in that arena in order to strengthen those protections.

But automated verification is, in our view, the way to go. We have been very aggressive in pursuing it and we have a good track record now. We think we have a very firm foundation for moving forward and implementing the legislation as it has been written.

Senator FEINSTEIN. Thank you. I am very happy to hear that. As you know, I believe very strongly that that is the soft underbelly of the whole system, and if you can get it corrected it would make a big improvement. So thank you very, very much, Commissioner.

Ms. MEISSNER. Absolutely. That has been our view from the outset and that is why we have moved ahead as fully as we have.

Senator FEINSTEIN. Thanks, Mr. Chairman.

Senator SIMPSON. Was there not an old song of the Kingston Trio, now long in the tooth, something about the Anaheim Jail? What was that? I cannot recall.

Ms. MEISSNER. No, I think that was in Boston.

Senator FEINSTEIN. We will have to ask our younger staff.

Senator SIMPSON. No, you see these people are not as young as they were, the Kingston Trio. They are still singing, but in a higher register. Enough of that.

Anyway, Senator Kennedy spoke and he was so correct that I think all of us realize that employers are at fault here, especially those with a pattern and practice. I do not think anyone here would ever want to see an employer continue to discriminate as a pattern and practice. In fact, we have laws on our books to close up that kind of an operation. But those who do that and who discriminate, I think all of us feel that there should be these civil and criminal penalties.

I think it would be inappropriate to think that we are trying to save employers—I do not think any of us do—who are truly egregious. We do have the new language on intent in the new bill which should relieve the legitimate employer from the possibility of just being perceived as discriminating.

I think that is very interesting. Everybody should be aware of that new language in the new bill because it will avoid the situation where the employer out of frustration asks the person for another document and suddenly he has got the counsel sitting on his front porch saying, you are discriminating. He says, look, that guy gave me a temporary document and came back 3 months later and gave me a phony one, and I said give me something else, and why should I go to the clink for that? That is resolved. I think the people of America will recognize that.

But we do have a mission to protect the American worker, and we failed in that in this session. That will come again, and many of the people who are being discriminated against because of that failure are professional people in the United States who are finding employers hiring from overseas under the present legal immigration systems that are not really in your ambit today. But that will have to be dealt with at a later time. The B-1 and the B-2 visas, and the misuse, and all of that has got to come and will come because the numbers will go up next year.

That is one of the questions that I wanted to ask. As we came to the legal immigration numbers for fiscal year 1995 and the release of those figures on March 27, 1996. That was on Wednesday, March 27, 1996, the night before the Senate Judiciary Committee met to consider the recommendations of the Barbara Jordan Commission. That was the essence of the effort.

That was a presentation of about 80 percent of what Barbara Jordan's Commission reported, which had a checkered path through the White House. The first time she presented it some minion there jerked the rug out from under her, and the next time I wish I could have been a fly on the wall as she expressed herself to the President and the minions as to what she was up to and the fact she wanted their support since the commission had been appointed to do just that. So God rest her soul, if she had been here we would have gotten a lot further on that issue.

Anyway, before we met to consider proposed changes the INS released its tabulations of legal immigration for fiscal year 1995. As a benchmark I would note that INS released the fiscal year 1994 numbers in June of 1995—not March. So the fact sheet from the INS on the fiscal year 1995 legal immigration stated that "the number of legal immigrants admitted to the United States declined in fiscal year 1995 for the second consecutive year. The 2-year drop is the largest decline in immigration since the early 1930's."

Now that may be true as far as it goes. But it does not mention that INS officials were very, very aware that legal immigration was expected to rise during fiscal year 1996. One of them discussed the future trend the legal immigration would have with my staff at the markup. The INS fact sheet also failed to mention that a large portion of this overall decline was due to INS's failure to adjust the immediate relatives of U.S. citizens already living in the United States illegally.

The press release became even more misleading with the statement, "these facts show that the Nation's legal immigration policies are changing to meet the realities of the 1990's. They confirm the Administration's belief that we can reduce overall immigration levels."

When asked about that inconsistency the INS official said they "did not make any projections" until specifically requested by my staff and that of Senator Kennedy after the 1995 figures were released.

We do know, however, that several members of your organization were very much aware of the general trends in legal immigration. One of the veteran members of your statistics branch knew about the trend through their work for the U.S. Commission on Immigration Reform and shared that with us.

Question, were you personally aware that legal immigration would rise in fiscal year 1996 and fiscal year 1997? Were you aware of that on March 27, 1996 before the release of the legal immigration figures for fiscal year 1995?

Ms. MEISSNER. I have been aware of, depending upon the assumptions that one makes in any particular piece of legislation, that there has been the possibility of increases in legal immigration. I have been aware of it as early as the summer of, 1 year ago, the summer of 1995 when I testified before this committee on legal immigration and we discussed various scenarios for legal immigration reform and what those could lead to in the way of numbers.

Now those, however, are projections and I stand by the statement that we do not and have not made formal projections as part of our statistical reporting system. We have shared projections with this committee. We have shared projections with the commission. In fact, the work that the commission did on legal immigration under Barbara Jordan's leadership was informed I think almost solely by the INS's data and the State Department's data because we together hold the data on legal immigration. Our statisticians work on the data and work on projections based on various suppositions all the time.

But they are not part of our formal reporting processes. They are not part of our statistical yearbook that we publish every year on what has actually occurred in the immigration system.

The numbers that were released in March are numbers from our statistical yearbook. They are the numbers on what it is that has happened. We had briefed regularly with staff on what different kinds of outcomes could come about from the legislation that you were considering, and we will continue to do so in the future or currently if you are looking at various formulas for how the legislation might occur.

Now we have had this conversation privately and we have obviously had this conversation publicly. I will say to you that I have learned a lesson from this incident that occurred around the time of the markup. The lesson that I have learned is that one can never be too careful about surprises. We did not recognize the surprise element that you have subsequently seen in that release. We were releasing information that had been briefed, and we were also releasing information that we have released every year, every year trying to get it to be more current and moving the date forward.

Every year we have done better on getting our statistical work done and have advanced by several months the release dates. Next year when we come to the time where we have this information available we will be absolutely certain that we have briefed as fully as possible and we will call you on the day of the release itself to be sure that nobody gets the sense that we are trying to undercut a process. That has not been our motive at all.

Senator SIMPSON. I do thank you, and I believe you. But I do not believe someone in your office, because there is no question in my mind that it was done for the purpose of deterring our efforts with legal immigration—none whatsoever, do I believe that it was not done for that. The press release was waived about with great vigor at the markup, with glee by some. The pipeline worked and the purpose of that early release, which was 3 months earlier than the



previous year, is most puzzling to me and apparently to you in that sense. But somebody in your shop approved that press release, and I hunch they are sitting right out there behind you somewhere.

Senator FEINSTEIN. Mr. Chairman, would you yield on that point?

Senator SIMPSON. Yes.

Senator FEINSTEIN. Because I concur with the chairman. I remember that discussion very clearly, because we were discussing the family preferences. Essentially, what it created was a real distortion in what we were trying to do and made it falsely look like we were reducing the numbers, when in fact the numbers were increasing dramatically. I think it really created, for me at least, a major credibility problem with the Department. Because this was very hotly contested on the committee, as you recall.

I just must say—and I am glad Senator Kyl is here because we will both be here next year—this must not happen again.

Ms. MEISSNER. I do not want you to let me off the hook on this, Senator. I did approve the press release. I was fully aware of the fact that it was coming out. What I was unaware of was that it was, as it has been described here, a surprise, viewed as an attempt to undercut a process. We had been open on these issues—at least we felt we had been open on these issues for 6 to 8 months in the debate both with the commission, with the committees, with anybody who asked.

But I am also telling you that I have heard what you said and I recognize what you are saying, and it will not happen again.

Senator FEINSTEIN. If I may, the problem was it was not accurate.

Ms. MEISSNER. Yes, it is accurate. It is accurate because it was past reporting, Senator. It was simply telling you what our statistical yearbook tells you. It is a section of the statistical yearbook that comes out every year. As I say, we try to do it—we are getting better and better at it, so we are able to put it out in a more timely way every year. But I am also telling you that I hear what you saying.

Senator SIMPSON. The important thing, Doris, is that not only was it a surprise, but it was misleading totally on the basis that somehow legal immigration was on a downward trend. It is not on a downward trend. You know that, and I know that, and everybody in that front knows that. Next year when it goes up about 1 million people, the people on this subcommittee are going to react and respond in a way which will not be too appropriate. That is the problem.

If it had been done in a correct way so we could tell the American people it truly was on a downward trend, and when your statisticians knew that next year because of legalizations, because of this, because of that, because of the inflow, that it would be between 850,000 and 1 million more coming into the United States, then that was an egregious misrepresentation.

Ms. MEISSNER. As I say, it is accurate information. The information stands. The method in which we did it, as I say, we have learned a lesson.

Senator SIMPSON. Senator Kyl, do you have further questions?



Senator KYL. Mr. Chairman, I was not really going to inquire, but I was curious about the question that you raised which had to do with the background of the individual who took over the naturalization program. I do not know that there was any response to that. If there was, I am sorry, I did not hear it.

Senator SIMPSON. Let me say that that information came to me from the House Government Reform Subcommittee making that allegation to my staff. If that is not correct, we will look at it when we have the hearing next week. But that is what I—

Ms. MEISSNER. Let me just say right now, it is absolutely inaccurate. I know you are going to cover it—

Senator KYL. Inaccurate?

Ms. MEISSNER. Absolutely inaccurate. This is an individual who worked for the State of Massachusetts, is a highly regarded and highly experienced public servant as well as a person who has worked in immigrant communities with Federal and State programs in the refugee arena; has performed very ably for the agency. That is simply not true.

Senator SIMPSON. OK, I wanted you to know since we are all getting information, where my information came from.

Ms. MEISSNER. We will obviously give you fuller information when you have your future hearing. But let me be sure to correct the record on that point.

Senator SIMPSON. Now I think I have one final provincial—did you have any further questions?

Senator KYL. No, thank you, Mr. Chairman.

Senator SIMPSON. One provincial question is always good for every one of us. In Wyoming, Terry Wilson, the INS special agent in Casper is retiring. The U.S. attorney in Wyoming has registered his concern that Terry will not be replaced and that his investigation files are being transferred to Denver. My inquiry is when Wyoming will receive another investigator.

I think that is especially important in light of the illegal alien issue in Jackson, WY, which has received some rather international attention now about illegals working in Jackson and an INS sweep there which was rather dramatic; some 140 were apprehended, many of whom ironically have already returned after receiving return. There was use of a horse trailer to convey some of the persons who were apprehended. The INS personnel to my knowledge were not involved in the selection of that mode of transportation. But nevertheless, there is an internal investigation.

But I do think that with that focus that the INS certainly should have that investigator there within the State of Wyoming. I hope you might concur whether I am here or not.

Ms. MEISSNER. As I said to Senator Grassley, we would like to have people in many more places than we have been able to have them. We are doing the best that we can to put people where they are needed. So I will look into that situation. It is not one I am familiar with. I do not know the gentleman and I was unaware that he is retiring. I have no idea what the plans are for staffing, but we will certainly follow up on that.

I might say though that in terms of the employer activity that took place in Wyoming, it is a good example of how hard we will need to work to bring the State and local law enforcement coopera-

tion elements of the immigration bill into working in a way that we can all accept. Because what happened here obviously was, as you said, participation by local law enforcement, some judgments made that we would absolutely never have agreed to. Obviously, some unprofessional behavior.

In our efforts to work with local law enforcement, particularly in remote areas where we will always have a scarcity of resources, there is going to be a very high premium that will need to be placed on proper law enforcement behavior.

Senator SIMPSON. There is another irony too, Doris. You and I would know it and so would Senator Feinstein. The very people who complained about the raid, and the fact of the inhumanity and so on, and the use and so on—and all of it valid—are the very people who continually prevent us from doing something with the proper verification system.

So that you had a more secure verification system, so that again the employer would know that the person there was legal to work and have some kind of verification system that we must get to as soon as possible. We have the pilot programs in this bill. So that at the time of employment or receiving of public benefits this document, whatever it is—not a “tattoo” or a national ID or whatever—is presented by people who “look foreign” and by bald Anglos like me, too, as I have said now for about 18 years.

So the very people that raise all the hoorah are the very people that prevent us from ever correcting that so that would not happen again. What an irony. What an unsavory irony.

Ms. MEISSNER. I think the terrain where employer enforcement is concerned is still very unsettled terrain. The conversation that Senator Feinstein and I were having, I should make this footnote to it. That is, where verification is concerned, that is the one other area where the House cut our resources. We had asked for \$30 million to be carrying forward our automated verification program. They cut us to \$20 million. Now with the much broader requirements that are in the immigration bill which we absolutely will carry out and are anxious to carry out, we will need to be getting help from the Congress to have the wherewithal to do it, because that is still an area where there has been tepid support.

Senator SIMPSON. Senator Feinstein, did you have any questions? I just have one final one about numbers and then we can conclude.

Senator FEINSTEIN. I do. Two quick issues. This was raised in California by an assembly committee and it involves the issue of patient dumping. According to a representative of Scripps Health, which operates hospitals in the San Diego area, wounded or injured people crossing the border are apparently not taken under the jurisdiction of the Federal Government, but the local government and local health agencies assume that responsibility. I have a quote here. It says, “these patients are almost universally discharged to the street,” which raises one issue of someone injured.

The second issue is that the University of California in San Diego was forced to cover over \$1 million in providing care to an individual struck by a car while fleeing from Border Patrol agents. Apparently, there is no recourse to the Federal Government in these situations. So there are two issues. One is a reimbursement issue to the counties, and the second is injured people coming

across the border almost invariably are released, according to Scripps. I was wondering if you would comment on both of those.

Ms. MEISSNER. This is a difficult area, and it is an area where there is not funding neither at the Federal level with the INS or at the State level, although there are some reimbursement provisions but not sufficient, and going to the State rather than the county that bears the cost in those sorts of things. It is an area that we are looking into. You have asked us to look into it. Others have asked us to look into it. I would like to spend a little more time being sure that we are on the right track where this is concerned. So if you would agree, I would like to get back to you separately.

Senator FEINSTEIN. All right, I would appreciate that. Please just know that I am very interested and would like to follow up because there are two things. One is, if you sprain your ankle and go to a hospital you are released to the streets. So that is one way to come across the border and have nothing happen to you. The second is the issue of Federal responsibility in terms of reimbursement to the counties.

Ms. MEISSNER. Right.

Senator FEINSTEIN. One last issue, and that is apparently in 1993 Congress provided about \$11 million for a Northern California detention facility. That facility was never developed but \$9 million of that money was removed and put somewhere else, leaving \$1-plus million I gather. Why was that done, and do you need a detention facility in the north, or is it not necessary?

Ms. MEISSNER. We do need a detention facility in the San Francisco area and we have been for several years in search of a site for that detention facility. We do not have a site, and although we have just now put out a call for an environmental impact assessment in an area where we believe we will be able to locate—

Senator FEINSTEIN. Have you looked at the closed defense bases in the area?

Ms. MEISSNER. Yes, there is a long history to all of this and we really have scoured the area. I would be happy to give you much more detail on what that search has led to.

But I think the point here is that we do need a facility. We have maintained the money in the budget for the design and for the environmental impact and for the site acquisition. When we actually get the site, which even in the best case is several years away, we will be able to restore the funding that will be needed to actually do the building.

But at the present time, to have held onto that funding and not used it elsewhere—we have used it for other detention facilities, for Chrome, for two other detention facilities—and maintained the money to move the project forward in the San Francisco area because we do intend to have one there and we will be able to fund it then for the construction when we actually have the site. It should not in any way be read as a neglect of the need. It is simply what the practical use of funding right now required us to do.

Senator FEINSTEIN. But let me just make one thing clear. I do not think you will ever find the site in San Francisco. But if you are willing to go outside of the city to the Bay Area counties—

Ms. MEISSNER. We are. That is where we are looking now.



Senator FEINSTEIN [continuing]. There should be multiple sites available.

Ms. MEISSNER. That is correct, and we are now doing that.

Senator FEINSTEIN. I would just like to submit that due diligence be the case because I think you will find a site.

Ms. MEISSNER. As I said, there is an environmental impact assessment out, so that is the next most important step.

Senator FEINSTEIN. Thank you very much.

Thanks, The CHAIRMAN.

Senator SIMPSON. In the bill too, Dianne, is the provision that we have in there about the review of former bases for use of detention facilities with the approval of local communities. So that provision is in there, too. There are a lot of things in that bill that was signed by the President Monday night that are going to have some dramatic changes in what you have so beautifully portrayed to us because of the State being the most heavily affected.

Just a final question about the numbers, and those who are ordered excluded or deported versus the number who actually leave the U.S. This is puzzling to me and puzzling to many of us on the subcommittee. I know Senator Simon, Senator Kennedy, all of us Democrat and Republican, Senator Grassley, Senator Kyl, and Senator Feinstein I would assume.

We understand that most aliens who are apprehended in the U.S. for violating immigration laws and most excludable aliens who claim asylum are not detained pending their hearing but rather are released into the community. And some of those do not show up at the hearings, and presumably remain "at large." Of those who do show up many are ordered deported by an immigration judge.

Now last year in answer to a written question you stated that there was no linkage between the case tracking system of the executive office of immigration review, the EOIR, and the tracking system of INS. That is apparently still the case because just recently my staff attempted to find out the percentage of persons who are ordered excluded or deported who are known by the INS to have actually left the United States. Not only was precise information not available but there was not even an estimate. Not even whether it was closer to 25 percent than 75 percent. I find that absolutely astonishing.

Not only do hundreds of thousands of aliens every year manage to enter the U.S. illegally, or enter legally and then become deportable, but even if aliens are apprehended and are ordered deported they still may walk out of the immigration judge's court free of restraint, often never to be heard from again.

Now do you not think that something should be done to correct this situation? Even if you do not have enough detention space to make sure that the aliens actually leave, why can you not at least develop a system to determine the facts, and that is to determine how many leave when they are supposed to? Might not that information make it more likely that Congress would provide more detention space? How can we possibly in this modern day of information have this huge gap of reality?

Ms. MEISSNER. As I said in my opening statement, the area of removals and deportation is one that has had a high degree of attention from us and that we think is crucial to having an immigra-



tion system that is effective and that has integrity with the alien community.

We have focused primarily or our first priority where removals is concerned is criminal aliens. I think the Congress agrees and everybody would have to agree that that is our first responsibility for public safety reasons, for reasons of cost to State and local jurisdictions. So our efforts to build a capacity that is up to the task of removing aliens from the United States, our focus has been first and foremost on criminal aliens.

What you are talking about, orders of deportation and what judges do are, by and large the great majority are noncriminal aliens. They are not the people who are detained in detention space. And we absolutely agree that there needs to be a meshing of those two systems, not only for tracking and numbers purposes but for actually being certain that we are using our resources to get those people out of the country and be sure they return home. After all, it makes no sense to make all of this investment in judicial process and in handling if we cannot assure that people ultimately leave the country and that those deportation orders are enforced.

So we are at the point now where we are doing well on capacity. In other words, we have our detention and removal system functioning in a way that is able to remove criminal aliens, that is able to incorporate large increases in bed size. We have increased our bed space just in the last 6 to 8 months from about 6,000 beds to an average of 9,000, and there is good funding in next year's budget to maintain that level of detention and to maintain and increase our removals.

The next step, and this is the step that we have tasked ourselves with this coming fiscal year, is to do exactly what you have said; is to begin now to coordinate directly between the orders of deportation that are given by immigration judges and the removal activities that the Immigration Service and our deportation officers carry out. That means not only tracking in terms of interlinking the data systems but interlinking our activities so that those immigration judge actions are enforced. I think a year from now you will see a very different outcome than you see today.

Senator SIMPSON. I think it is very important that whoever chairs this subcommittee in the future that your staff respond to them in regard to statistics as it has always been in the past. It may have been clumsy and it may not have been complete. But only in the last 2 or 3 years have we had this reluctance to share statistics. I do not understand that, but it will not work next year regardless of who is chairing this subcommittee.

I hunch it is not you again. But it seems absurd to me that we cannot even find out the percentage of persons ordered excluded or deported known to have actually left the U.S. Why can we not get those statistics? What percentage remain? We just are seeking the knowledge of how many leave and how many stay.

It seems to me you could set a definite time or a place for departure so it would be known when persons leave and when they should leave. It is a totally unsatisfactory response to the oversight people of the House or the Senate be they Democrat or Republican. Cannot be. It is no reality to it. Somebody ought to know that.

Ms. MEISSNER. Let me look and see, let me find out after this hearing what the explanation for that is. If we have data that we have not shared I will be sure that we get it up to you.

Senator SIMPSON. I would appreciate it, I am going to submit some questions in writing that I could have a response to those before I end my tenure so that I can pass them on to my successors. When my call comes next year it will be coming from Harvard when I call you about these issues. You said, call me and I will be calling from somewhere up there, Eliot House, I believe, we who are on the staff, professional teachers there. Enough of that. With an appropriate stipend and having prepared my own syllabus which, of course, I have told people I am waiting to find out what that is. But we are going to find that out.

Anyway, this is likely my last session with you in attendance as the principal witness. I have very much come to admire you. You are very knowledgeable, very bright. You have been very honest with me. But as I say, I think that there have been some things for the first time in my—not the first time. That comes with politics. But I think down underneath you have been ill-served politically. I think that when people do that to you that it is just as distressing to you as it is to me because I care about you. I hope you will ward them off in future times because they do not have your best interest at heart, they have simply political interests at heart, and that does not serve the country's interest well.

So you are a special person. I wish you well in all endeavors, personal, private, public. I thank you for years of good discussion, very fine exchange of ideas and issues and philosophies. It has always been there. You have always been accessible to me in many ways with regard to the issues of the day. I want that to continue and I know it will. But as I say, watch out for some of the small hands down below who do not have your best interests and are simply the CYA battalion. There are many of them in this remarkable community of Washington. So God bless you.

Thanks too to my fine staff, many of who have been working through to the dawn on these last days. Knepper, we finally just threw him out of the building. He looked like a zombie. He is here today though, back from the dead. And Chip Wood who works and has been with me and just is an absolute man of precision and skill. And John Rattigan who came to us from the State Department. We have nearly ruined his health. And John Knepper; Trudy Settles who was right over there a moment ago. There she is in the back; wonderful woman who helps us in so many ways. And Amina El Said who is with us from Duke. Nice to have you here watching this grisly process.

To Dick Day, the Rev. R.W. Day, who has been with me since I brought him here from Cody, WY, to save his old friend from the slings and arrows that go with dealing with immigration. Little things, you know, emotion, fear, guilt, racism; tiny little things. So thank you to Dick, and to so many. We will have another hearing and it will be on the naturalization issue. That will be October 9th, and perhaps one other. But it is doubtful that your presence will be required.

Thank you very much, Doris. God bless you.

Ms. MEISSNER. Thank you, Senator. Let me please return the compliment and again wish you the very best. Also tell you that I have always devoted myself and tried very hard to work effectively in a bipartisan fashion. I have continued to do that to the best of my ability and I will continue to do it. I hope we will continue to see you in one way or another on this landscape. I want to wish you the very best and thank you for what has been an extraordinary collaboration, and to say we have actually gotten some things done. It has been bipartisan, and it has been for the good of the country, and I hope it can continue.

Senator SIMPSON. Just reflecting, Larry Fuchs is at Brandeis, and Father Ted will be ranging about, and the three of us may come down, just drive everybody crazy.

Ms. MEISSNER. Boston will never be the same.

Senator SIMPSON. Thank you very much.

[Whereupon, at 12:21 p.m., the subcommittee adjourned.]

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